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10/614,289

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Toshikazu Ishizaki

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DAY PITNEY LLP

7 TIMES SQUARE

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EXAMINER

DAVIS, ZACHARY A

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/614,289

Applicant(s)

ISHIZAKI, TOSHIKAZU

Examiner

Zachary A. Davis

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-19 and 21-37 is/are pending in the application.
- 4a) Of the above claim(s) 11,23 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,10,12-19,21,22,24-34,36 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 11 May 2007 and 30 July 2007 have been entered.
2. By the submission received 30 July 2007, Claims 1, 12, 13, 24, 25, and 36 have been amended. No claims have been added or canceled. Claims 1-7, 9-19, and 21-37 are currently pending in the present application.

### ***Election/Restrictions***

3. This application contains claims directed to the following patentably distinct species:

Species A, directed to electronic voting embodiments, as described in the majority of the specification, for example, page 1, line 14-page 5, line 30; page 15, lines 22-26 (see also Class 705, subclass 12).

Species B, directed to electronic auction or bidding embodiments, as described in page 15, lines 28-30, and page 26, lines 16-18, of the specification (see also Class 705, subclass 37).

4. The claims are deemed to correspond to the species listed above in the following manner:

Species A: Claims 10, 22, and 34; and

Species B: Claims 11, 23, and 35.

5. The species are independent or distinct because the two species are mutually exclusive. In particular, the claims do not overlap in scope, because the claims of Species A do not require the particulars of the claims of Species B (i.e. they do not require the bidding elements) and the claims of Species B do not require the particulars of the claims of Species A (i.e. they do not require the voting elements). See MPEP § 806.04(f).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, Claims 1-7, 9, 12-19, 21, 24-33, 36, and 37 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

6. During a telephone conversation with Ronald Brown on 26 October 2007 a provisional election was made without traverse to prosecute the invention of species A, claims 10, 22, and 34. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11, 23, and 35 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected species.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-7, 9, 10, 12-19, 21, 22, 24-34, 36, and 37 have been considered but are moot in view of the new ground(s) of rejection.

### ***Information Disclosure Statement***

8. The listing of references in the specification (see citations within the description of related art, pages 1-5 of the present specification) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other

information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 1500a, 1500b, 1500c, 1500d, 1500e (see page 26, lines 25-27); 1600a, 1600b (see page 30, lines 14-15). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

10. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

11. The abstract of the disclosure is objected to because it includes legal phraseology of the type used in patent claims; this should be avoided. Correction is required. See MPEP § 608.01(b).

12. The disclosure is objected to because of the following informalities:

The specification includes many grammatical, typographical, and other errors, and language that is not in proper idiomatic English. For example, throughout the specification (occurring the first time at page 1, line 35), it appears that "hereinlater" is intended to read "hereinafter" or "hereinbelow". At page 5, line 4, the phrase "thereby unable to realize a fair and impartial election" appears to be missing a verb. On page 5, line 11, it appears that in the phrase "the number of votes are counted", "are" is intended to read "is". On page 5, line 20, the phrase "thereby enabling to realize" is not proper idiomatic English. Throughout the specification (occurring the first time at page 17, lines 33-34), it appears that the phrase "for security reason" is intended to read "for security reasons. On page 37, lines 35-36, and page 38, line 19, it appears that "a" should be inserted before "removable medium", or "medium" should be replaced by "media". On page 38, line 4, it appears that one instance of "such as" should be

deleted. On page 38, line 23, the phrase "there has been described in the about that that the initializing process" is generally unclear. On page 49, the single sentence in the paragraph at lines 11-35 appears to be a fragment or a run-on. On page 49, line 29, it appears that the phrase "wherein the vote counting period" has been repeated inadvertently.

Appropriate correction is required. The above is not to be considered an exhaustive list of errors in the disclosure. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

13. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The independent claims have been amended to include the limitations of "a single output operation period for all of said plurality of entry information elements", and some claims have also been amended to include the limitation "a single input operation period of all of said plurality of entry information elements". However, there is not sufficient antecedent basis for these limitations in the specification. See below regarding the rejection under 35 U.S.C. 112, first paragraph, for further detail.

***Claim Objections***

14. Claims 7, 12, 13, 18, 19, 24, 25, 29, 32, 33, and 36 are objected to because of the following informalities:

In Claim 7, it appears that "in" should be inserted before "which" in line 1 of the claim.

In Claim 12, line 5, it appears that "a" should be inserted before "single". Further, throughout the claim, it appears that "apparatuses" should be replaced by "apparatus".

In Claim 13, in step (b), it appears that a comma should be inserted after "said output start time", and optionally after "said input start time".

In Claim 18, line 5, it appears that "20" should be deleted from the phrase "said position information 20".

In Claim 19, it appears that "in" should be inserted before "which" in line 1 of the claim.

In Claim 24, it appears that "apparatuses" should be replaced by "apparatus" throughout the claim.

In Claim 25, line 4, it appears that "comprising" should read "comprises".

In Claim 29, line 4, it appears that "bass" should instead read "basis".

In Claims 32 and 33, it is not clear why the recitation of a "twelfth program product code" occurs earlier than the recitation of an "eleventh program product code".

In Claim 36, it is not clear why the "fifteenth program product code" and "sixteenth program product code" are referred to as such, when they are only the first

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and second codes referred to within that chain of claims (that includes only Claim 36).

Further, it appears that "thirteenth" or "fourteenth" code elements have been skipped entirely. Additionally, it appears that that, throughout the claim, "apparatuses" should be replaced by "apparatus".

Appropriate correction is required.

15. Claim 32 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitations of Claim 32 appear to have been previously incorporated into independent Claim 25, and do not further limit Claim 25.

### ***Claim Rejections - 35 USC § 112***

16. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

17. Claims 1-7, 9, 10, 12-19, 21, 22, 24-34, 36, and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the

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inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent Claims 1, 12, 13, 24, and 25 have each been amended to recite a "single output operation period for all of said plurality of entry information elements". Independent Claim 36 has similarly been amended to include the limitation of an "output operation period for all of said entry information elements". Additionally, independent Claims 1 and 24 have been amended to recite a "single input operation period for all of said plurality of entry information elements". There is not sufficient written description for the claimed subject matter in the specification, specifically with respect to the above limitations. In particular, although there is description of input and output periods for the entry information elements throughout the specification, the specification appears to be silent as to the number of input and output periods. There does not appear to be any mention of there being only a single input or output period for all of the elements; in particular, the term "single" does not appear to be present in the specification whatsoever (nor do several synonyms for the term). Additionally, there does not seem to be any mention of the phrase "all of the elements" or variations thereupon, that would encompass the totality of the entries, that would suggest all of the information elements being input or output in a single period.

Claims not specifically referred to above are rejected due to their dependence on a rejected base claim.

18. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

19. Claims 1-7, 9, 10, 12-19, 21, 22, 24-34, 36, and 37 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said terminal" in lines 14 and 15 of the claim.

However, the claim previously referred to "at least one terminal" in line 2. If there is more than one terminal, then it is not clear to which terminal "said terminal" is intended to refer. This renders the claim indefinite. Further, the phrases "said period setting means is operative to set..." (lines 5-8), "said time keeping means is operative to keep time..." (lines 10-12), and "said information receiving means is operative to receive..." (lines 14-17) are generally unclear and narrative; in particular, the use of "is" in the above phrases is unclear because the placement of independent clauses within the middle of the claim is awkward idiomatically and unclear.

Claim 6 recites the limitation "indicative of a position thereof"; however, it is not clear to what "thereof" is intended to refer, and therefore it is unclear what is having its position indicated by the position information.

In Claim 7, in the limitation in lines 6-13, it is unclear to which objects the phrases "and said second time zone" and "and adjust each of said internal clocks" are intended to refer back. In particular, it is not clear which objects or phrases the conjunction "and" is intended to coordinate. Further, the phrase "thus calculated" in line 13 is generally vague.

In Claim 12, the multiple recitations of "said period setting means", "said time keeping means", "said information receiving means", "said information encrypting means", and "said information storing means" are not clear, because the claim previously recites a plurality of information apparatus each having the recited means. Because there are pluralities of each of the above means, it is not clear to which of those means the above limitations are intended to refer. Further, the claim recites "said terminal" in line 16; because it was previously recited in line 3 that there is at least one terminal, it is not clear to which of these "said terminal" is intended to refer if there is more than one terminal. Further, the phrases "said period setting means is operative to set...", "said time keeping means is operative to keep time...", and "said information receiving means is operative to receive..." are generally unclear and narrative; in particular, the use of "is" in the above phrases is unclear because the placement of independent clauses within the middle of the claim is awkward idiomatically and unclear.

Claim 13 recites the limitation "said terminal" in line 11 of the claim. However, the claim previously recited "at least one terminal" in line 2, and if there is more than one terminal, it is not clear to which terminal "said terminal" is intended to refer.

Claim 14 recites the limitation "adjusting step (b) to have time kept" in line 5. This is generally unclear, as it is not clear how the method step is to be adjusted.

Claim 18 recites the limitation "indicative of a position thereof"; however, it is not clear to what "thereof" is intended to refer, and therefore it is unclear what is having its position indicated by the position information. In particular, as the claim is directed to a

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method, there is no structure clearly recited that would have a position to be indicated.

The claim further recites the limitation "adjusting step (b) to have time kept" in line 4.

This is generally unclear, as it is not clear how the method step is to be adjusted.

In Claim 19, the phrase "thus calculated" in lines 10-11 is generally vague.

In Claim 24, the multiple recitations of "said period setting means", "said time keeping means", "said information receiving means", "said information encrypting means", and "said information storing means" are not clear, because the claim previously recites a plurality of information apparatus each having the recited means. Because there are pluralities of each of the above means, it is not clear to which of those means the above limitations are intended to refer. Further, the claim recites "said terminal"; because it was previously recited in line 2 that there is at least one terminal, it is not clear to which of these "said terminal" is intended to refer if there is more than one terminal. Further, the phrases "said period setting means is operative to set...", "said time keeping means is operative to keep time...", and "said information receiving means is operative to receive..." are generally unclear and narrative; in particular, the use of "is" in the above phrases is unclear because the placement of independent clauses within the middle of the claim is awkward idiomatically and unclear.

Claims 25-34 and 36 recite the limitation "program product code". It is not entirely clear what this is intended to encompass, as the term is not commonly used, nor is it defined in the specification. It has been interpreted to be synonymous with "computer readable code" or "computer readable instructions" or similar.

Claim 25 further recites the limitation "said terminal" in lines 17 and 18 of the claim. However, the claim previously referred to "at least one terminal" in line 3. If there is more than one terminal, then it is not clear to which terminal "said terminal" is intended to refer. This renders the claim indefinite. Further, the phrases "said period setting means is operative to set...", "said time keeping means is operative to keep time...", and "said information receiving means is operative to receive..." are generally unclear and narrative; in particular, the use of "is" in the above phrases is unclear because the placement of independent clauses within the middle of the claim is awkward idiomatically and unclear.

Claim 26 recites the limitation "adjusting said second program product code to have" in line 5. This is generally unclear, as it is not clear how the code is to be adjusted.

Claim 30 recites the limitation "indicative of a position thereof"; however, it is not clear to what "thereof" is intended to refer, and therefore it is unclear what is having its position indicated by the position information. In particular, as the claim is directed to a computer program product and particularly to elements of code, there is no structure clearly recited that would appear to have a position to be indicated. The claim further recites the limitation "adjusting said second program product code to have time kept" in lines 4-5. This is generally unclear, as it is not clear how the code is to be adjusted.

In Claim 31, the phrase "thus calculated" in lines 10-11 is generally vague.

In Claim 36, the multiple recitations of "said period setting means", "said time keeping means", "said information receiving means", "said information encrypting

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means", and "said information storing means" are not clear, because the claim previously recites a plurality of information apparatus each having the recited means. Because there are pluralities of each of the above means, it is not clear to which of those means the above limitations are intended to refer. Further, the claim recites "said terminal"; because it was previously recited in line 3 that there is at least one terminal, it is not clear to which of these "said terminal" is intended to refer if there is more than one terminal. Further, the phrases "said period setting means is operative to set...", "said time keeping means is operative to keep time...", and "said information receiving means is operative to receive..." are generally unclear and narrative; in particular, the use of "is" in the above phrases is unclear because the placement of independent clauses within the middle of the claim is awkward idiomatically and unclear.

Claims not specifically referred to above are rejected due to their dependence on a rejected base claim.

### ***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 1-7, 9, 10, 12-19, 21, 22, 24-34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al, US Patent Application Publication

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2002/0138341, in view of Teppler, US Patent Application Publication 2006/0080536, and Anderson et al, US Patent 4290141.

In reference to Claim 1, Rodriguez discloses an apparatus that includes means for setting an output operation period by specifying an output start time and an output end time, and setting an input operation period by specifying an input start time and an input end time (paragraphs 0009, 0028, 0046); means for receiving entry information elements transmitted from a terminal (Rodriguez, paragraphs 0009, 0046); means for encrypting the received entry information elements (paragraphs 0027-0028, 0047); means for storing the encrypted entry information elements (paragraphs 0010, 0027-0029); and means for decrypting the stored encrypted entry information elements during said output operation period (paragraphs 0030, 0050, 0058). However, Rodriguez does not explicitly disclose time keeping means.

Teppler discloses an apparatus that includes an output start time occurring after an input end time (paragraphs 0033-0035, 0442) and means for keeping time such as the output start time, output end time, input start time, and input end time (paragraphs 0033-0035, 0442), and Teppler further discloses that the information receiving means receives entry information elements transmitted from a terminal during the input operation period from said input start time until the input end time (paragraphs 0033-0035). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electronic voting apparatus of Rodriguez with Teppler's method of distributing time utilizing time keeping specified by a period to provide organization, in order to provide a means of proving with certainty dates and

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times associated with access, creation or modification of files, and in order to assist with the determination of whether data has been tampered (Teppler, paragraphs 0003-0004). However, although Teppler and Rodriguez disclose input and output periods as described above, neither Teppler nor Rodriguez explicitly discloses a single input period and a single output period for all of the entry information elements.

Anderson discloses an electronic voting system that includes a single input period and a single output period for all of the entry information elements (see column 12, line 63-column 13, line 23, where all of the votes are input during a string of time intervals, and all of the results are displayed at once subsequent to the input intervals). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify further the apparatus of Rodriguez and Teppler by including single input and output periods, in order to allow high accuracy in the collection and processing of voting data (see Anderson, column 1, lines 65-68, and column 2, lines 49-53).

In reference to Claim 2, Rodriguez, Teppler, and Anderson further disclose means for obtaining standard time information indicative of standard time kept by a standard clock and means for adjusting the time keeping means to be synchronized to the standard time based on the standard time information obtained (Teppler, paragraph 0070).

In reference to Claim 3, Rodriguez, Teppler, and Anderson further disclose a standard time receiver that receives standard time information transmitted from a

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standard time transmitter at a predetermined frequency (Teppler, paragraphs 0070, 0151-0154).

In reference to Claim 4, Rodriguez, Teppler, and Anderson further disclose that the standard time receiver is of a waterproof and heat resistant construction (Teppler, paragraph 0064, where the clock is tamperproof).

In reference to Claim 5, Rodriguez, Teppler, and Anderson further disclose means for storing error information indicative of an error in the time kept by the time keeping means with respect to the standard time based on the standard time information obtained (Teppler, paragraphs 0033-0035, 0062, 0070, 0151-0154).

In reference to Claim 6, Rodriguez, Teppler, and Anderson further disclose means for obtaining position information indicative of a position of a device, in which the time adjusting means adjusts the time keeping means to be synchronized to the standard time based on the position information obtained (Rodriguez, paragraphs 0059-0061; Teppler, paragraph 0070).

In reference to Claim 7, Rodriguez, Teppler, and Anderson further disclose that the time obtaining means is in a first time zone while a terminal is in a different second time zone (Rodriguez, paragraph 0025); the period setting means, information receiving means, and information storing means have respective internal clocks (Teppler, paragraph 0070); the time adjusting means calculates alternative standard time in accordance with the standard time information obtained in consideration of a time difference between the first and second time zones, and adjusts each of the internal

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clocks to be synchronized to the calculated alternative standard time (Teppler, paragraphs 0070-0071).

In reference to Claim 9, Rodriguez, Teppler, and Anderson further disclose means for accepting an output instruction from a terminal (Rodriguez, paragraphs 0026-0027), and that the information decrypting means is decrypts the stored encrypted entry information elements in response to the output instruction accepted during the output operation period (Rodriguez, paragraphs 0030, 0050, 0058).

In reference to Claim 10, Rodriguez, Teppler, and Anderson further disclose that each of the entry information elements is indicative of voting information (Rodriguez, paragraphs 0027-0028, 0046-0047; Teppler, paragraphs 0424-0442; Anderson, column 1, lines 5-10, for example).

In reference to Claim 37, Rodriguez, Teppler, and Anderson further disclose that the output operation period is kept secret (Rodriguez, paragraphs 0013, 0025-0028).

Claim 12 is directed to a system that includes a plurality of the apparatus as described above in reference to Claim 1 and 2, and is rejected by a similar rationale.

Claims 13-19, 21, 22, and 24 are directed to methods corresponding substantially to the apparatus of Claims 1-7, 9, 10, and 12, respectively, and are rejected by a similar rationale.

Claims 25-34 and 36 are directed to software implementations of the methods of Claims 13-19, 21, 22, and 24, and are rejected by a similar rationale.

***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Miyagawa et al, US Patent 5497318, discloses an election apparatus that includes processing starting at a predetermined period.
- b. Vadura et al, US Patent Application Publication 2003/0178484, discloses an electronic voting system with a specified voting period and audit trails that are kept.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZAD  
zad

*Cynthia Britt*  
10-29-07  
CYNTHIA BRITT  
PRIMARY EXAMINER